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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,679

Applicant(s)

REES, ROBERT THOMAS OWEN

Examiner

JOSEPH PAN

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-32 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. The applicant's response filed on May 27, 2008 has been fully considered. Claims 1 and 3 have been amended for minor corrections. Claims 1-32 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone et al. (U.S. Pub. No. 2002/0080964 A1), hereinafter "Stone", in view of Yoshiura et al. (U.S. Patent No. 6,131,162), hereinafter "Yoshiura".

Referring to claims 1, 23:

i. Stone teaches:

A method of passing data securely from an originator to a recipient comprising the steps of:

the originator selecting a condition that the recipient must meet for receipt of the data (see figure 5, element 2 'seller client'; and page3, paragraph [0062] of Stone);

the originator selecting a trusted party (see figure 5, element 1 'transaction server'; and page3, paragraph [0062] of Stone);

the originator selecting a first key without reference to the condition (see page 3, paragraph [0056], "The seller also obtains from the server an algorithm

from creating the watermark including one or more security key generators"; page 4, paragraph [0075] 'decryption keys'; paragraph [0083] 'Data may be carried on other carriers preferably in encryption form for security' of Stone, emphasis added);

the originator encrypting the data using the first key (see page 4, paragraph [0075] 'decryption keys'; paragraph [0083] 'Data may be carried on other carriers preferably in encryption form for security' of Stone, emphasis added);

the originator making the condition, and the encrypted data available to the recipient (see page 4, paragraph [0067], lines 12-17 of Stone);

the recipient providing the trusted party with evidence that it meets the condition (see figure 9; and page 4, paragraph [0075] of Stone),

the trusted party satisfying itself that the recipient does meet the condition and providing the first key to the recipient (see figure 9; and page 4, paragraph [0075] of Stone), and

the recipient decrypting the data using the first key (see figure 9; and page 4, paragraph [0075] of Stone).

Stone discloses the method of passing securely from an originator to a recipient, and the method of encryption and decryption. Stone further discloses obtaining the security key generating material from the transaction server (see page 3, paragraph [0056] "The seller also obtains from the server an algorithm for creating the watermark including one or more security key generators for applying the watermark and a UMID generator.", of Stone). However, Stone does not specifically mention the asymmetrical key pair and the encrypted material.

ii. Yoshiura teaches a content distribution system, wherein Yoshiura discloses the asymmetrical key pair and its usage: "This invention also provides a content distribution system wherein the encrypting apparatus of the distribution system encrypts the content using the public key of the user of the receiving system and the decrypting apparatus of the receiving system decrypts the content encrypted using the private key of the user of the distribution system." (see column 8, lines 54-59 of Yoshiura, emphasis added).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Yoshiura into the method of Stone to use the asymmetrical key pair for encrypting the data to be distributed in a content distribution system.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Yoshiura into the system of Stone to use the asymmetrical key pair for encrypting the data to be distributed in a content distribution system, because it's well known in the art that asymmetrical key pair is used for data encryption to ensure data security.

Referring to claims 10, 24:

i. Stone teaches:

A method for an originator to make data available securely to a recipient comprising the steps of:

the originator selecting a condition that the recipient must meet for receipt of the data (see figure 5, element 2 'seller client'; and page3, paragraph [0062] of Stone);

the originator selecting a trusted party (see figure 5, element 1 'transaction server'; and page3, paragraph [0062] of Stone);

the originator selecting a first key without reference to the condition (see page 3, paragraph [0056], "The seller also obtains from the server an algorithm from creating the watermark including one or more security key generators"; page 4, paragraph [0075] 'decryption keys'; paragraph [0083] 'Data may be carried on other carriers preferably in encryption form for security' of Stone, emphasis added);

the originator encrypting the data using the first key (see page 4, paragraph [0075] 'decryption keys'; paragraph [0083] 'Data may be carried on other carriers preferably in encryption form for security' of Stone, emphasis added);

the originator making the condition, and the encrypted data available to the recipient (see page 4, paragraph [0067], lines 12-17 of Stone).

Stone discloses the method of passing securely from an originator to a recipient, and the method of encryption and decryption. Stone further discloses

obtaining the security key generating material from the transaction server (see page 3, paragraph [0056] "The seller also obtains from the server an algorithm for creating the watermark including one or more security key generators for applying the watermark and a UMID generator.", of Stone). However, Stone does not specifically mention the asymmetrical key pair and the encrypted material.

ii. Yoshiura teaches a content distribution system, wherein Yoshiura discloses the asymmetrical key pair and its usage: "This invention also provides a content distribution system wherein the encrypting apparatus of the distribution system encrypts the content using the public key of the user of the receiving system and the decrypting apparatus of the receiving system decrypts the content encrypted using the private key of the user of the distribution system." (see column 8, lines 54-59 of Yoshiura, emphasis added).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Yoshiura into the method of Stone to use the asymmetrical key pair for encrypting the data to be distributed in a content distribution system.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Yoshiura into the system of Stone to use the asymmetrical key pair for encrypting the data to be distributed in a content distribution system, because it's well known in the art that asymmetrical key pair is used for data encryption to ensure data security.

Referring to claims 14, 25:

i. Stone teaches:

A method for a recipient to receive data made available securely by an originator, who has selected a trusted party to be involved, comprising the steps of:

Obtaining a condition for decryption of the data set by the originator and the data encrypted using a first key generated without reference to the condition (see page 4, paragraph [0067], lines 12-17 of Stone);

providing the trusted party with evidence that it meets the condition (see figure 9; and page 4, paragraph [0075] of Stone),

receiving the first key for decryption of the data from the trusted party (see figure 9; and page 4, paragraph [0075] of Stone), and decrypting the data using the first key (see figure 9; and page 4, paragraph [0075] of Stone).

Stone discloses the method of passing securely from an originator to a recipient, and the method of encryption and decryption. Stone further discloses obtaining the security key generating material from the transaction server (see page 3, paragraph [0056] "The seller also obtains from the server an algorithm for creating the watermark including one or more security key generators for applying the watermark and a UMID generator.", of Stone). However, Stone does not specifically mention the asymmetrical key pair and the encrypted material.

ii. Yoshiura teaches a content distribution system, wherein Yoshiura discloses the asymmetrical key pair and its usage: "This invention also provides a content distribution system wherein the encrypting apparatus of the distribution system encrypts the content using the public key of the user of the receiving system and the decrypting apparatus of the receiving system decrypts the content encrypted using the private key of the user of the distribution system." (see column 8, lines 54-59 of Yoshiura, emphasis added).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Yoshiura into the method of Stone to use the asymmetrical key pair for encrypting the data to be distributed in a content distribution system.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Yoshiura into the system of Stone to use the asymmetrical key pair for encrypting the data to be distributed in a content distribution system, because it's well known in the art that asymmetrical key pair is used for data encryption to ensure data security.

Referring to claims 17, 26:

i. Stone teaches:

A method for a trusted party to facilitate the passing of data securely from an originator to a recipient, comprising the steps of:

Receiving from the recipient evidence that they meet the condition (see figure 9; and page 4, paragraph [0075] of Stone),

comparing the evidence against the condition to confirm that the recipient does meet the condition (see figure 9; and page 4, paragraph [0075] of Stone), and

if the recipient meets the condition, providing the first key to the recipient (see figure 9; and page 4, paragraph [0075] of Stone).

Stone discloses the method of passing securely from an originator to a recipient, and the method of encryption and decryption. Stone further discloses obtaining the security key generating material from the transaction server (see page 3, paragraph [0056] "The seller also obtains from the server an algorithm for creating the watermark including one or more security key generators for applying the watermark and a UMID generator.", of Stone). However, Stone does not specifically mention the asymmetrical key pair and the encrypted material.

ii. Yoshiura teaches a content distribution system, wherein Yoshiura discloses the asymmetrical key pair and its usage: "This invention also provides a content distribution system wherein the encrypting apparatus of the distribution system encrypts the content using the public key of the user of the receiving system and the decrypting apparatus of the receiving system decrypts the content encrypted using the private key of the user of the distribution system." (see column 8, lines 54-59 of Yoshiura, emphasis added).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Yoshiura into the method of Stone to use the asymmetrical key pair for encrypting the data to be distributed in a content distribution system.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Yoshiura into the system of Stone to use the asymmetrical key pair for encrypting the data to be distributed in a content distribution system, because

it's well known in the art that asymmetrical key pair is used for data encryption to ensure data security.

Referring to claims 2, 11, 15-16, 18, 20:

i. Stone teaches the claimed subject matter: a method of passing data securely from an originator to a recipient (see claim 1 above). Stone discloses the encryption and the decryption (see page 4, paragraph [0075] 'decryption keys'; paragraph [0083] 'Data may be carried on other carriers preferably in encryption form for security' of Stone, emphasis added).

Stone discloses the method of passing securely from an originator to a recipient, and the method of encryption and decryption. Stone further discloses obtaining the security key generating material from the transaction server (see page 3, paragraph [0056] "The seller also obtains from the server an algorithm for creating the watermark including one or more security key generators for applying the watermark and a UMID generator.", of Stone). However, Stone does not specifically mention the asymmetrical key pair and the encrypted material.

ii. Yoshiura teaches a content distribution system, wherein Yoshiura discloses the asymmetrical key pair and its usage: "This invention also provides a content distribution system wherein the encrypting apparatus of the distribution system encrypts the content using the public key of the user of the receiving system and the decrypting apparatus of the receiving system decrypts the content encrypted using the private key of the user of the distribution system." (see column 8, lines 54-59 of Yoshiura, emphasis added).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Yoshiura into the method of Stone to use the asymmetrical key pair for encrypting the data to be distributed in a content distribution system.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Yoshiura into the system of Stone to use the asymmetrical key pair for encrypting the data to be distributed in a content distribution system, because

it's well known in the art that asymmetrical key pair is used for data encryption to ensure data security.

Referring to claims 3-4, 6, 12, 19, 22, 28-29:

Stone and Yoshiura teach the claimed subject matter: a method of passing data securely from an originator to a recipient (see claim 1 above). They further disclose encrypting with the public key and the decrypting with the private key (see column 8, lines 54-59 of Stone).

Referring to claim 5:

Stone and Yoshiura teach the claimed subject matter: a method of passing data securely from an originator to a recipient (see claim 1 above). They further disclose the steps of:

The originator providing the condition to the trusted party (see figure 5, element 2 'seller client'; and page3, paragraph [0062] of Stone);

the trusted party storing the condition and the asymmetric key pair (see figure 5, element 2 'seller client'; and page3, paragraph [0062] of Stone);

the recipient providing the trusted party with evidence that it meets the condition see figure 5, element 2 'seller client'; and page3, paragraph [0062] of Stone);

the trusted party retrieving the condition and asymmetric key pair from store, and satisfying itself that the recipient meets the condition (see figure 9; and page 4, paragraph [0075] of Stone), and

the trusted party providing the decrypting key of the asymmetric key pair to the recipient to act as a decrypting first key (see figure 9; and page 4, paragraph [0075] "Once the buyer has satisfied the conditions of sale, the transaction server provides secure delivery of decryption keys," of Stone).

Referring to claim 7:

Stone and Yoshiura teach the claimed subject matter: a method of passing data securely from an originator to a recipient (see claim 1 above). They further disclose that at the time the originator encrypts the data the recipient is unknown to them (see page 1, paragraph [0013] of Stone).

Referring to claim 8:

Stone and Yoshiura teach the claimed subject matter: a method of passing data securely from an originator to a recipient (see claim 1 above). They further disclose the publishing and storing (see page 5, paragraph [0089] of Stone).

Referring to claim 9:

Stone and Yoshiura teach the claimed subject matter: a method of passing data securely from an originator to a recipient (see claim 1 above). They further disclose the storage medium (see page 5, paragraph [0088] of Stone).

Referring to claims 13, 30:

Stone and Yoshiura teach the claimed subject matter: a method for an originator to make data available securely to a recipient (see claim 10 above). They further disclose generating an asymmetrical key pair (see column 13, lines 1-5 of Yoshiura).

Referring to claim 21:

Stone and Yoshiura teach the claimed subject matter: a method for a trusted party to facilitate the passing of data securely from an originator to a recipient (see claim 17 above). They further disclose the additional steps of:

receiving the condition from the originator (see page 4, paragraph [0073] of Stone);

storing the condition and the asymmetric first key pair (see page 4, paragraph [0073] of Stone);

upon receipt of the evidence from the recipient that they meet the condition, retrieving the condition and asymmetric first key pair from store before comparing the evidence against the condition to confirm that the recipient does meet the condition (see page 4, paragraph [0073] of Stone), and

providing to the recipient the decrypting key of the asymmetric first key pair to act as a decrypting first key originator (see page 4, paragraph [0073] of Stone).

Referring to claim 27:

i. Stone teaches:

A computer system for passing data securely from an originator to a recipient comprising a first computer entity associated with the originator, a

second computer entity associated with the recipient and a third computer entity associated with a trusted party, there being communication means between the first computer entity and the second computer entity and between the second computer entity and the third computer entity (see figure 1 of Stone),

the first computer entity selecting a condition to be met by the recipient before receipt of the data and a first key generated without reference to the condition, and encrypting the data with that first key, and making available to the second computer entity (see page 3, paragraph [0062] of Stone);

the second computer entity being arranged to forward evidence that the recipient meets the condition to the third computer entity (see page 4, paragraph [0075] of Stone), and

the third computer entity being arranged to compare the evidence with the condition and if satisfied that the recipient meets the condition to provide the first key to the second computer entity for decryption of the data (see page 4, paragraph [0075] of Stone).

Stone discloses the encryption and the decryption (see page 4, paragraph [0075] 'decryption keys'; and paragraph [0083] 'Data may be carried on other carriers preferably in encryption form for security' of Stone, emphasis added). Stone further discloses obtaining the security key generating material from the transaction server (see page 3, paragraph [0056] "The seller also obtains from the server an algorithm for creating the watermark including one or more security key generators for applying the watermark and a UMID generator.", of Stone). However, Stone does not specially mention the asymmetrical key pair consisting of the public key and the private key.

ii. Yoshiura teaches a content distribution system, wherein Yoshiura discloses the asymmetrical key pair and its usage: "This invention also provides a content distribution system wherein the encrypting apparatus of the distribution system encrypts the content using the public key of the user of the receiving system and the decrypting apparatus of the receiving system decrypts the content encrypted using the

private key of the user of the distribution system.” (see column 8, lines 54-59 of Yoshiura, emphasis added).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Yoshiura into the method of Stone to use the asymmetrical key pair for encrypting the data to be distributed in a content distribution system.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Yoshiura into the system of Stone to use the asymmetrical key pair for encrypting the data to be distributed in a content distribution system, because it's well known in the art that asymmetrical key pair is used for data encryption to ensure data security.

Referring to claim 31:

i. Stone teaches:

A method of passing data securely from an originator to a recipient comprising the steps of:

the originator selecting a condition that the recipient must meet for decryption of the data (see figure 5, element 2 'seller client'; and page3, paragraph [0062] of Stone);

the originator selecting a first key without reference to the condition (see page 3, paragraph [0056], "The seller also obtains from the server an algorithm from creating the watermark including one or more security key generators"; page 4, paragraph [0075] 'decryption keys'; paragraph [0083] 'Data may be carried on other carriers preferably in encryption form for security' of Stone, emphasis added);

the originator encrypting the data using the first key (see page 4, paragraph [0075] 'decryption keys'; paragraph [0083] 'Data may be carried on other carriers preferably in encryption form for security' of Stone, emphasis added);

the originator making the condition, and the encrypted data available to the recipient (see page 4, paragraph [0067], lines 12-17 of Stone);

upon receipt by the trusted party of the recipient's evidence that the recipient meets the condition, the trusted party satisfies itself that the recipient meets

the condition, provides the first key to the recipient (see figure 9; and page 4, paragraph [0075] of Stone), and

the recipient decrypts the data using the first key (see figure 9; and page 4, paragraph [0075] of Stone).

Stone discloses the encryption and the decryption (see page 4, paragraph [0075] 'decryption keys'; and paragraph [0083] 'Data may be carried on other carriers preferably in encryption form for security' of Stone, emphasis added). Stone further discloses obtaining the security key generating material from the transaction server (see page 3, paragraph [0056] "The seller also obtains from the server an algorithm for creating the watermark including one or more security key generators for applying the watermark and a UMID generator.", of Stone). However, Stone does not specially mention the asymmetrical key pair consisting of the public key and the private key.

ii. Yoshiura teaches a content distribution system, wherein Yoshiura discloses the asymmetrical key pair and its usage: "This invention also provides a content distribution system wherein the encrypting apparatus of the distribution system encrypts the content using the public key of the user of the receiving system and the decrypting apparatus of the receiving system decrypts the content encrypted using the private key of the user of the distribution system." (see column 8, lines 54-59 of Yoshiura, emphasis added).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Yoshiura into the method of Stone to use the asymmetrical key pair for encrypting the data to be distributed in a content distribution system.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Yoshiura into the system of Stone to use the asymmetrical key pair for encrypting the data to be distributed in a content distribution system, because it's well known in the art that asymmetrical key pair is used for data encryption to ensure data security.

Referring to claim 32:

Stone and Yoshiura teach the claimed subject matter: a method of passing data securely from an originator to a recipient. They further disclose generating an symmetrical key pair (see column 1, lines 56-58 of Yoshiura).

Response to Arguments

4. Applicant's arguments filed on May 27, 2008 have been fully considered but they are not persuasive.

a. Claim 1

Applicant argues:

"Stone describes a process for transferring watermarked material, where it is noted that watermarked material is not the same as encrypted material." (see page 2, 1st paragraph, Applicant's Arguments/Remarks, emphasis added)

Examiner maintains:

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone in view of Yoshiura.

Stone describes a method of passing data securely from an originator to a recipient (see e.g. Claim 1 above). However, Stone does not specifically mention transferring encrypted data.

On the other hand, Yoshiura discloses transferring encrypted data in "For example, this invention provides a content distribution system comprising a distribution system outputting a content to be distributed and a content receiving system receiving the distributed content. The distribution system includes encrypting apparatus for encrypting a content to be distributed and wherein the receiving system includes decrypting apparatus for decrypting a distributed content; signature creating apparatus for creating cryptographic information by encrypting specific data using a private key in accordance with a public key cipher system used by a user of the receiving system; and

signature embedding apparatus for embedding the created cryptographic information into the content such that the cryptographic information cannot be separated from the content without using a predetermined rule.” (see column 8, lines 27-41 of Yoshiura, emphasis added).

Therefore, the combination of Stone and Yoshiura disclose a method of passing encrypted data securely from an originator to a recipient, such as described in Claim 1.

Applicant argues:

“Further, Stone describes how a buyer of watermark removal data may transfer the watermark removal data to a data carrier, where the watermark removal data is preferably in encrypted form.” (see page 2, 1st paragraph, Applicant’s Arguments/Remarks, emphasis added)

Examiner maintains:

Stone discloses “Once the buyer has satisfied the conditions of sale, the transaction server provides secure delivery of decryption keys, templates and algorithms for removing watermarks.” (see figure 9; and page 4, paragraph [0075] of Stone, emphasis added). Therefore, it’s the transaction server which transfers the decryption keys, etc. to the buyer, once the buyer has satisfied the conditions of sale.

Applicant argues:

“In addition, Stone fails to disclose that an entity that is passing data to a recipient selects a condition to be met by the recipient.” (see page 2, 1st paragraph, Applicant’s Arguments/Remarks, emphasis added)

Examiner maintains:

Stone discloses in figure 1 that the seller client [i.e., element 2] passes data to the buyer client [i.e., element 3] .

Stone further discloses “In addition the seller may record on the smart card and transfer to the server 1 data such as price, and conditions of sale [i.e., selects a condition] ” (see page 3, paragraph [0062], lines 3-5 of Stone, emphasis added).

Therefore, Stone discloses an entity [i.e., the seller] that is passing data to a recipient selects a condition to be met by the recipient.

Applicant argues:

"Further, the consumer uses a public key that is freely available to decrypt the hash value and does not have to meet a condition in the manner claimed." (see page 2, 2nd paragraph, Applicant's Arguments/Remarks, emphasis added)

Examiner maintains:

Stone discloses "Once the buyer has satisfied the conditions of sale [i.e., meet the condition], the transaction server provides secure delivery of decryption keys, templates and algorithms for removing watermarks." (see figure 9; and page 4, paragraph [0075] of Stone, emphasis added). Therefore, Stone discloses that the transaction server transfers the decryption keys, etc. to the buyer, once the buyer has satisfied the conditions of sale [i.e., meet the condition]. However, Stone does not specifically mention transferring encrypted data.

On the other hand, Yoshiura discloses transferring encrypted data in "For example, this invention provides a content distribution system comprising a distribution system outputting a content to be distributed and a content receiving system receiving the distributed content. The distribution system includes encrypting apparatus for encrypting a content to be distributed and wherein the receiving system includes decrypting apparatus for decrypting a distributed content; signature creating apparatus for creating cryptographic information by encrypting specific data using a private key in accordance with a public key cipher system used by a user of the receiving system; and signature embedding apparatus for embedding the created cryptographic information into the content such that the cryptographic information cannot be separated from the content without using a predetermined rule." (see column 8, lines 27-41 of Yoshiura, emphasis added).

Therefore, the combination of Stone and Yoshiura disclose a method of passing encrypted data securely from an originator to a recipient once the recipient meets the condition, such as described in Claim 1.

b. Claims 2-9 and 23

The Applicant's arguments are similar to those of section (a). Please refer to (a) above to see Examiner's response.

c. Claim 10

The Applicant's arguments are similar to those of section (a). Please refer to (a) above to see Examiner's response.

d. Claims 11-13 and 24

The Applicant's arguments are similar to those of section (a). Please refer to (a) above to see Examiner's response.

e. Claim 14

The Applicant's arguments are similar to those of section (a). Please refer to (a) above to see Examiner's response.

f. Claims 15-16 and 25

The Applicant's arguments are similar to those of section (a). Please refer to (a) above to see Examiner's response.

g. Claim 17

The Applicant's arguments are similar to those of section (a). Please refer to (a) above to see Examiner's response.

h. Claims 18-22 and 26

The Applicant's arguments are similar to those of section (a). Please refer to

(a) above to see Examiner's response.

i. Claim 27

The Applicant's arguments are similar to those of section (a). Please refer to (a) above to see Examiner's response.

j. Claims 28-30

The Applicant's arguments are similar to those of section (a). Please refer to (a) above to see Examiner's response.

k. Claim 31

The Applicant's arguments are similar to those of section (a). Please refer to (a) above to see Examiner's response.

l. Claim 32

The Applicant's arguments are similar to those of section (a). Please refer to (a) above to see Examiner's response.

Conclusion

5. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then

the shortened statutory will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Pan whose telephone number is 571-272-5987.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/Joseph Pan/

Examiner, Art Unit 2135

September 8, 2008

/KimYen Vu/

Supervisory Patent Examiner, Art Unit 2135